

REMARKS/ARGUMENTS

Claims 1-20 are pending in the present application. In the above amendments, claim 6 has been amended. In the Office Action mailed April 13, 2004, the Examiner rejected claims 1-20 under 35 U.S.C. § 102(e). The Examiner also objected to claim 6.

Applicants respectfully respond to this Office Action.

A. Clerical Error in Office Action Summary

Applicants respectfully point out an error in the last Office Action Summary form. The Office Action Summary form mailed on April 13, 2004 indicated that claim 2 was withdrawn from consideration. Applicants believe this to be an error as claim 2 is still pending.

B. Claim 6 Rejected under 35 U.S.C. § 112

The Examiner rejected claim 6 under 35 U.S.C. § 112, second paragraph. Claim 6 has been amended to obviate the Section 112 Rejection.

C. Rejection of Claim 1-20 Under 35 U.S.C. § 102

The Examiner rejected claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Tang et al., U.S. Patent Application Publication No. 2001/0041943 A1 (hereinafter, "Tang"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (July 1998) (citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." M.P.E.P. § 2131 (July 1998) (citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claim 1 requires that the communications port is “for electronically connecting the electronic device to a first electronic device that is separate and distinct from the electronic device.” The Examiner has asserted that this claim element is disclosed in Tang by reciting “a communication port [803, 804, parallel, and serial] for electronically connecting the electronic device [800] to a first electronic device [device connected to 803 port or 804 port] that is separate from and distinct [it is obvious that peripheral device is separate and distinct from host] from the electronic device [800].” Final Office Action dated 4/13/04, page 3. The communication ports thus cited are not for connecting to “a first electronic device that is separate and distinct from the electronic device.” Figure 8 of Tang illustrates the ISP controller and the “communications port” identified by the Examiner that is part of the ISP controller. Tang, ¶ 0020, 0026. The ISP controller is part of the ISP system. Tang, Figures 4-6. The ISP devices that are to be reprogrammed remotely are also part of the ISP system. Tang, Figures 4-6. Thus, the ISP devices are not “separate and distinct from the electronic device,” but are actually part of the same system.

Tang states that “[t]he present invention provides an *in-system programmable (ISP) system* which can be reprogrammed by remote access.” Tang, ¶ 0006 (emphasis added). Tang itself states that this is “in-system” programmability. It cannot be “in-system” at the same time it is also being “separate and distinct from the electronic device.” Tang also states “[e]ach ISP system includes one or more ISP controllers for programming multiple ISP devices according to the control and programming data received by the access interface.” Tang, ¶ 0007. Tang further states “[i]n one embodiment of the present invention, the ISP controller in an ISP system can receive data from the access interface either serially or in parallel.” Tang, ¶ 0009.

“In one embodiment of the present invention, the ISP controller includes a microprocessor for controlling *programming of the ISP devices under the ISP controller's control*. Each ISP controller can program multiple ISP devices simultaneously. Thus, *if multiple ISP controllers are present in the same ISP system* under the control of a central processing unit, a large number of ISP devices can be simultaneously programmed by remote access.”

Tang, ¶ 0010 (emphasis added).

Applicants respectfully submit that Tang does not disclose these limitations in claim 1. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claim 1 also recites "reprogrammable memory programmed with instructions to cause the device to receive new program code from the pager network and to reprogram the reprogrammable memory with the new program code for communicating with the first electronic device through the communications port." Tang does not disclose this claim element. Tang discloses an ISP system which includes a number of components including an ISP device and an ISP controller. Tang, Figures 4-6. The ISP device is the device that is being reprogrammed. Tang states "ISP controller 402, which is described in further detail below, performs the actual programming of ISP devices, such as ISP devices 404 and 405." Tang, ¶ 0025. Thus the reprogrammable memory that is being reprogrammed in Tang is part of the ISP device. The Examiner has cited the EPROM 609 as the reprogrammable memory. Final Office Action dated 4/13/04, page 3. However, the EPROM 609, as shown in Figure 6, is not part of the ISP device 404, 405 which is being reprogrammed. The ISP system from Tang may include RAM for storing the programming data, but it is the ISP device that is being reprogrammed. Tang describes this as follows:

In addition, ISP system 600 includes a microprocessor 605, which executes control programs stored in a non-volatile storage element 608 (e.g., an EPROM). In ISP system 600, programming data received from the transceiver at access interface 601 are stored in random access memory ("RAM") 607. . . . The programming data stored in RAM 607 can be provided to ISP controller 402 via data bus 603 under the control of microprocessor 605, which provides a control signal 610 ("read/write") for latching the data into ISP controller 402. In this manner, the multiple ISP controllers in ISP system 600 can program a large number of ISP devices in parallel, without incurring large latencies due to the long daisy-chains of ISP devices

Tang, ¶ 0030.

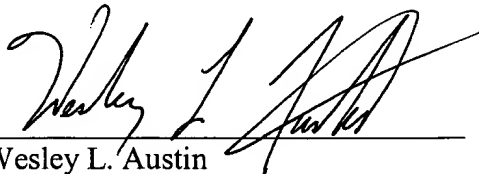
As set forth above, Tang does not disclose every element of claim 1. Claims 2-20 depend from, or have similar limitations to, claim 1. Thus, Applicant respectfully requests that the rejection of claims 2-20 be withdrawn for at least the same reasons.

Applicant respectfully asserts that claims 1-20 are patentably distinct from the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Appl. No. 09/699,613
Amdt. dated June 4, 2004
Reply to Office Action of April 13, 2004

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', written over a horizontal line.

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